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VIA HAND DELIVERY

The Honorable Christopher Larsen
UNITED STATES DEPARTMENT OF LABOR
Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-000006,
Joint Letter Motion for Prehearing Conference

Your Honor:

Pursuant to 29 C.F.R. § 18.44(a), Plaintiff Office of Federal Contract Compliance Programs ("OFCCP") and Defendant Oracle America, Inc. ("Oracle") write jointly (1) to request an in-person prehearing conference to discuss scheduling and other issues in this case; (2) to permit the parties to file a case management statement one week in advance of the requested prehearing conference; and (3) to vacate the dates in the April 11, 2017 Pre-Hearing Order (including the August 15, 2017 hearing date), pending resetting of those dates at or after the requested prehearing conference.

In this case, OFCCP asserts claims against Oracle for race discrimination in recruiting and hiring, compensation discrimination on the basis of sex and race, as well as claims that Oracle violated regulations by failing to produce data and other documents during the compliance review. OFCCP also alleges the applicable time frame for its discrimination claims is January 1, 2013 to the present. Oracle denies OFCCP's allegations, asserts that OFCCP failed to meet procedural pre-requisites before filing, and contends that the appropriate time frames applicable to OFCCP's claims are limited to January 1, 2013 to June 30, 2014 for the recruiting and hiring discrimination claim, and January 1 to December 31, 2014 for the compensation discrimination claim.

Promptly after Oracle answered OFCCP's complaint on February 8, 2017, the parties served each other with written discovery requests. However, since then, various disputes have arisen between the parties regarding discovery, one of which has already been presented to the Court through Oracle's Motion for Protective Order. To date, no documents have been produced and no depositions have been taken. Further, Oracle has moved for summary judgment against OFCCP, or in the alternative to stay the case, based on Oracle's allegations that OFCCP failed to satisfy its mandatory obligations with respect to pre-litigation conciliation.

In light of the complexity of this case, the numerous disputes between the parties (including threshold issues such as the applicable time frame that governs the litigation), the parties believe an early prehearing conference to address case management matters will assist in the efficient ordering of issues and determination of this proceeding. *See, e.g.*, 29 C.F.R. § 18.44(e)(6) (authorizing conference to “control[] and schedul[e] discovery”); *id.* § 18.44 § (e)(12) (authorizing prehearing conference to “[a]dopt special procedures for managing potentially difficult or protracted proceedings that may involve complex issues”). The parties also request the opportunity to address the scheduling of the hearing. Given the complexity and number of issues to be resolved in this case, the parties agree that they cannot be ready for hearing by August 15, 2017.

The parties are available for a prehearing conference on the following dates:

- May 9, 2017 (any time except 1:30-3:30)
- May 10, 2017
- May 11, 2017 (between 10-11:30)
- May 15, 2017 (before 2 p.m.)
- May 16, 2017 (before 1 p.m.)

The parties, of course, will consider other dates based on the Court’s availability. As noted above, the parties propose submitting a case management statement one week in advance of the prehearing conference, briefing the Court on the parties’ proposed case management schedule for the case, other relevant issues to the management of the case, and any issues the Court would like the parties to address.

For these reasons, the parties believe there is good cause to schedule a prehearing conference focusing on case management and to vacate the current case management dates pending resetting of those dates at or after the requested prehearing conference.

Respectfully submitted,



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Trial Attorney

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